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Inspection And Enforcement Procedures

Program Guidelines

- No person shall operate a lodging establishment who does not possess a license from the department to operate such establishment. Only a person who complies with the provisions of sections 315.005 to 315.065, RSMo, shall be entitled to receive and retain such a license.
- A valid license shall be transferred to a new owner upon notification to the department.
- The licensing year begins October 1st and ends September 30th.
- The lodging law, unlike other Missouri public health laws, has a provision allowing local ordinances to be less stringent than the state requirements in some areas. These areas include:
 - Fire safety;
 - Electrical wiring;
 - Fuel-burning appliances;
 - Plumbing; and
 - Swimming pools and spas.
- These are the only areas where local ordinances less stringent than the state requirements apply. These local ordinances will only be recognized if there is a local regulatory authority that:
 - Performs annual inspections on new and existing lodging establishments;
 - Submits the appropriate paperwork to the LPHA; and
 - Has the authority to enforce the local ordinances or regulations.

Therefore, it is imperative that LPHA staff doing lodging inspections be familiar with all local ordinances in these areas and understands how local authorities enforce them. Ideally, the lodging inspection and the fire inspection will be conducted at the same time so the two regulatory authorities can discuss items of mutual interest and concern.

Typically, only when a local ordinance has a specific lesser standard than the state requirements, or a specific grandfather clause, would we accept the standards of a local ordinance. If a local ordinance is silent on an issue, the state standard will be enforced. Examples might be sprinkler heads over gas water heaters and furnaces and hardwiring of smoke detectors. If ordinances do not address these items, they should be enforced under the state lodging requirements.

- Documentation showing compliance with applicable local ordinances should be kept in the lodging establishment's file at the LPHA.

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- All inspections must be conducted using the State Laws governing Hotels, Motels, Resorts and other Public Lodging, 315.005 to 315.065 RSMo and Sanitation and Safety Standards for Lodging Establishments, 19 CSR 20-3.050, and/or appropriate local ordinances.
- Lodging establishments, approved the previous year, shall be inspected prior to July 31st with any follow up inspections conducted by September 30th.
- Lodging establishments located within jurisdictions with local ordinances governing fire safety, electrical wiring, fuel-burning appliances, plumbing, and swimming pools and spas, shall be in compliance with those local ordinances as outlined in 315.019 RSMo.
- Documentation from the regulating authority within that jurisdiction shall be obtained annually and maintained on file to demonstrate compliance with those local ordinances.
- Lodging establishments that open during October 1st through September 30th shall be inspected for the current licensing year and not for the following year.
- Water samples shall be collected at least annually for private and non-community water supplies serving a lodging establishment.
- Inspections must be conducted within 30 days of receiving a request from BERL or lodging owner/operator.
- Inspections shall not be conducted on lodging establishments not approved the prior year, unless requested by BERL or the establishment's owner/operator.
- Inspections with violations noted shall be marked "not approved" for licensing.
- An actual date must be written for the follow up inspection on "not approved" initial inspections.

Lodging Program Forms Management

- Inspections shall be recorded on the Lodging Establishment Inspection Report, E9.02 and E9.02A if violations are noted.
- All lodging inspections shall be mailed to the Assistant Manager within 30 days of completion of an inspection.
- A DH-50 Change Order Form must be submitted to BERL within 30 days when any change in operation is determined during an inspection. A change may include, but is not limited to: new ownership, additional number of rooms to rent, a new establishment's opening, or an existing establishment's closure.
- Inspection reports submitted to the Assistant Manager must be complete and legible. If it is not, the inspection report(s) will be returned to LPHA.
- Inspection report form distribution is as follows:
 - White copy goes to the lodging establishment owner/operator.
 - Canary copy goes to the Assistant Manager.
 - Pink copy goes to the LPHA

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Lodging Establishment Inspection Report

- Each section on the [Lodging Establishment Inspection Report](#), E9.02, shall be completed.
- A person's name shall be noted in the section "Name of Owner".
- The actual sleeping room numbers of the rooms inspected shall be noted in the section "Rooms Inspected", not the total number of rooms inspected.
- Each box on the upper portion of the inspection report shall be marked, "Yes" or "No". This section is for data analysis and is not intended for noting violations.
- Each box on the lower half of the inspection report shall be marked, "Yes", "No", "Nb." or "NA". This section is intended for noting compliance or non-compliance.
 - "Yes" means in compliance with 19 CSR 20-3.050 or applicable local ordinance.
 - "No" means not in compliance with 19 CSR 20-3.050 or applicable local ordinance.
 - "Nb" means not observed during inspection.
 - "NA" means not applicable.
- A Lodging Establishment Inspection Report, E9.02A, shall be used to document the violations cited on the E9.02 and the appropriate corrective measures.
 - Write violations in a concise and specific manner.
 - Write observed violations/observations seen during the inspection. Do not cite the lodging rule as the violation. A correct example, "*Smoke detector not working in Room 14.*" An incorrect example, "*Smoke detectors shall be in good operating condition.*"
 - Give corrective measures to the violations unless the corrective measure is obvious.

Number of Rooms to Inspect

The number of rooms inspected will vary depending upon the number of sleeping rooms available to the public. To attain a true picture of the lodging establishment, a variety of rooms shall be inspected, such as handicap accessible and suite-style, as well as rooms located on each floor and in each wing of the establishment. When selecting rooms to inspect, do not let establishment staff pick the rooms. Ask for a list of all available rooms and make your selection from that list. Selecting a few rooms that are vacant but not yet cleaned is a convenient way to do a thorough inspection of mattresses and box springs for wear, cleanliness, and the presence of bedbugs without remaking beds.

Occupied rooms should not be inspected when possible. However, if you must inspect an occupied room, an operator/owner of the lodging establishment should accompany you.

The following table gives the minimum number of rooms to be inspected during a routine inspection:

Total Number of Sleeping Rooms	Percentage/Number of Sleeping Rooms to Inspect
5-20 Rooms	50% of the Total Number of Rooms
21-200 Rooms	10 Rooms or 15% of the Total Number of Rooms, whichever is greatest
Over 200 Rooms	30 Rooms minimum, more if deemed necessary during inspection

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Follow-up Inspection Procedures

- Follow up dates shall not exceed 90 days from the initial inspection or occur past September 30th. If more than 90 days are required by the lodging establishment owner to make the necessary corrections, or the re-inspection date will be after September 30th, a BERL issued compliance plan shall be required.
- Follow up inspections must be conducted on lodging establishments marked not approved on the initial inspection.
- Follow up inspections must be conducted no later than 10 days after the actual date of the follow up date written on the initial inspection report.
- Follow up inspections must be documented on a new Lodging Establishment Inspection Report, E9.02 and E9.02A if violations are noted.
- Note in the check box on the Lodging Establishment Inspection Form, E9.02, that this inspection is a follow up.
- Look at only those violations written during the last inspection and mark “Yes” or “No” in the appropriate areas.
- For those items not observed during the follow up inspection, mark the “Nb” column of the inspection report form.
- If violations are observed during the follow up inspection that were not noted during the last inspection, terminate the follow up inspection. Mark “terminated” on the inspection form and write the reason why, such as “observed other violations”. Then using a new Lodging Establishment Inspection Form, begin a new initial inspection of the establishment at that time, noting the violations from the follow up inspection that were not corrected and the new violations.
- After an initial follow up inspection has been conducted and it has been determined that the lodging establishment is still not approved, no return follow up date is required. At that point it is the responsibility of the lodging owner to contact you for a follow up inspection.
- While not an obligation of the Core Public Health Contract, LPHA’s may conduct more than one follow up inspection on an establishment in order to achieve compliance. If additional follow up inspections are planned, coordinate these with the program manager.

Enforcement Activities

- DHSS may refuse, revoke or not renew a license any time a lodging establishment fails to comply with any portion of 315.005-315.065 RSMo, 19 CSR 20-3.050 and/or applicable local ordinances, per section 315.041 RSMo. Lodging establishments are subject to inspection at any reasonable time; therefore, if an establishment has a poor record of compliance, it is not necessary to wait for the next annual timeframe to conduct an inspection. Inspections should be done as necessary to assure compliance.
- Approved but not licensed lodging establishments operating without a current lodging license after October 1st (establishments who have not submitted their application for renewal and

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appropriate fee) will receive a notice from BERL. If the lodging establishment does not respond appropriately, a Final Notice will be sent. If no response is made by the owner/operator to obtain a license, the establishment will be forwarded to DHSS Legal Counsel for further enforcement action.

- Unapproved lodging establishments who have received an initial and follow up inspection and operate without a current lodging license after October 1st will receive a notice from BERL and an opportunity to enter into a compliance plan.
- If no attempt is made by the owner/operator to enter into a compliance plan or to make the necessary corrections, BERL staff will initiate an inspection on the establishment with the LPHA. At this point, if it is determined that the establishment is unwilling to correct the noted violations, the establishment will be notified that they are being forwarded to DHSS Legal Counsel for further enforcement action.